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JAN 21 2009

Read on and see column 7 lines 47-50.

"The net result is to eliminate pure red or pure blue pixels and the...disturbances that come from viewing such...with red/blue viewers."

However, the fig' 5 method of preventing anaglyph color purity, results in double imaging (ghosting)

Any benefit of reduced retinal rivalry, gained from preventing anaglyph color purity, will directly correspond with increased double imaging induced from the method.

The examiner is in error suggesting column 6 lines 50-62 teaches a concept of the stereo pair in preparation for the application of anaglyphic color changes.

Column 6 lines 50-62 detail method fig' 2, where one camera image contributes (red, one third) of its contrasts and a second camera image contributes (green-Blue, two thirds) of its contrasts via substituting the red image plane.

Fig' 2 results in contrasts of R vs G-B. 50% of available contrast is lost.

Fig' 2 is an anaglyph made via color channel allocation (limitation) only.

My method of effecting selective color treatment to color records within said image pair, prior to color channel allocation, results in contrasts of RGB vs RGB. No contrast is lost.

As I have proven, my application is unique in addressing the stereo pair in preparation for the application of anaglyphic color channels.

The improved results of preventing retinal rivalry with anaglyphically viewed balanced contrasts of (Red-Green-Blue) vs (Red-Green-Blue) within the color channels, yield effects and advantages over the cited prior art.

#### **Item 3.**

My application is for method and apparatus. The cited prior art has claims for method and apparatus.

Claims 111-112 have been withdrawn to assist closing prosecution.

#### **Item 4.**

This matter has been repeatedly covered in prior correspondence.

Review of my prior correspondence of 24 Oct' 07, and 2 Sep' 08 show that amendment has already been made to cancel new filter values and amend them to values as filed.

The said new matter is therefore cancelled.

Please acknowledge this as per 707.07(f) and desist from reiterating this request.

#### **Item 6.**

This matter has been repeatedly covered in prior correspondence.

Review of my prior correspondence of 24 Oct' 07, and 2 Sep' 08 show, as requested, the exact location, page and line number of specification disclosure as claimed for claim 86, including copies of the pages supplied in answer to this item.

See my application as filed (prior enclosed) (0183) lines 2-5

"color wash filters...may follow...proceeding filters and be pre-set to render all adjustments with a single sweep for each of the pair..."

See also (0123) (0136) (0188) (0196) for rendering such adjustments with a single sweep.

Please acknowledge this as per 707.07(f) and desist from reiterating such request.

#### **Item 8.**

Item 8 has been repeatedly copied and pasted from prior actions such as Item 7 of action 31 July '07 and Item 7 of action 26 March '08.

Exhaustive responses to Item 8 have been addressed in prior correspondence of 24 Oct' 07, and 2 Sep' 08 with reference to even earlier correspondence.

For a comprehensive reply to current Item 8, see my reply, Item 7 of my reply filed 2 Sep' 08.

If the examiner could note, as prior proven, that:

1. My application is unique in addressing the stereo pair in preparation for the application of anaglyphic color channels in order to preserve details of contrast.
2. That the method results in a useful improvement of composition of matter.

6,037,971 methods fig' 5 and fig' 6 involve an anaglyph made via method fig' 2.

One third of an image added to two thirds of an image (Red / Green-Blue)

50% of available contrasts are missing.

Fig' 5 then ensures lack of color purity where also 50% of available contrasts are missing.

Fig' 6 then ensures an alternative assembly (Bright Green / Green-Blue) where also 50% of available contrasts are missing.

Neither method, fig' 5 or fig' 6 achieve a balanced view of contrasts.

My method enables full contrasts of RGB for each view, that are balanced, RGB / RGB.

#### **Item 10.**

A multiple repetition as per item 9 of the 26 March '08 action.

An amendment filed 2 Sep' 08 was proposed for claim 57 in order to overcome objection by removing the word 'compression' to prevent confusion that the (Swift et al) 'file storage data compression' is related to 'luminosity compression' of my application.

'luminosity compression' is where brightness and contrast of the left and right images, are reduced as a step in the anaglyph production.

However, the examiner states in the 17 Oct '08 action, that this amendment necessitated new ground(s) of rejection making the action final.

This is unfair. That luminosity compression (0128-0136) (prior enclosed) involves reducing brightness and contrast of the left and right images, was fully clarified.

The action should not have been made final because of this amendment to overcome an illogical objection.

The examiner is again mistaken concerning prior art column 4, lines 14-23, despite correction in item 9 of my correspondence filed 2 Sep' 08.

Read from column 4 line 11. Pixels of an R/ G-B anaglyph made as per fig' 2, are monitored for color value. The color value is that of saturation, (purity) not intensity (brightness).

This results in anaglyphs that display (no pure blue or red images) as per 6,037,971 claim 2.

Further, this point is not even relevant to the current matter of claim 57:  
reduced brightness and contrast of the left and right images, as a step in anaglyph production.

Further, in item 10 of the 17 Oct '08 action, the examiner now confuses Swifts (**increasing**) (anaglyph image) brightness and contrast to compensate for loss incurred by the viewing mechanism.

Please note: This merely involves **increasing** the brightness and contrast of the anaglyph display.

To re-clarify yet again,

Luminosity Compression of my application (0132-0134) (prior enclosed) involves (**reducing**) brightness and contrast of the (images of a stereo pair), to assist allocation of a color channel to white areas in the pair of images.

It also assists the predictive control of anaglyph brightness as claimed in claim 56. See (0121) and (0122) (prior enclosed)

**Item 11.**

Claim 56 is preferred as dependant on novel claim 53. With predictive control of an anaglyphs overall brightness as an optional function, claim 56 yields further advantages over the cited prior art.

**Summary.**

Examiner Brian Q Lee demonstrates continued fundamental error in addressing the subject matter.

His action of 17 Oct '08 was in response to my correspondence of 25 June 08 re-mailed 2 Sep' 08. In order to overcome any further objections, I requested that he state reasons to show an actual consideration of my claimed advantages as per 707.07(f) and to take note and answer the substance of my response.

Instead, the examiner has simply yet again, copied and pasted objections from prior actions without regarding the re-clarifications in my responses that prove the examiners errors.

The examiner has not demonstrated familiarity with the subject matter of the application.

The examiner has not taken note of my replies and answered the substance of them as per 707.07(f).

The 17 Oct '08 action has attempted to address Items 2 and 10 and has omitted Items 4, 6, 8 and 11. A clear indication of general confusion is evident with errors concerning the few simple details addressed.

**For Item 2.**

Can the examiner determine whether I have pointed out that the cited prior art claims pure colors or not?

Can the examiner determine that the 6,037,971 fig' 5 method of preventing anaglyph color purity, results in double imaging (ghosting)?

**For Item 10.**

Can the examiner determine between saturation (purity) and intensity (brightness).

Can the examiner determine that color purity is not relevant to claim 57?

Can the examiner please note that 'luminosity compression involves (reducing) brightness and contrast of the images of a stereo pair, as a step in anaglyph production?

Can the examiner determine between:

a. (reducing) brightness and contrast of the stereo pair as a production step and;

b. (increasing) (Swift et al, anaglyph display) brightness and contrast to compensate for display loss.

**Items 4, 6, 8 and 11:**

Items 4, 6, 8 and 11 are copied and pasted from prior office actions, with my prior response to those items yet again unaddressed.

My application cannot be considered as having been re-examined.

Since the current 29 Nov' 07 RCE, I have received the office action of 28 March '08.

In my reply re-filed 2 Sep' 08, items 3, 5, 7 and 10 have been ignored, along with prior correspondence filed 24 October 07.

**Concerning acceptance of independent claim 53.**

To enable the acceptance of independent claim 53 and it's subsequent dependant claims:  
requires the examiner to note as prior proven:

That my application is unique in addressing the stereo pair in preparation for color channels in order to preserve details of contrast,

That full and balanced contrasts of my method result in a useful improvement of composition of matter.

Please note that McLaine does not adjust the stereo pair.

Please note that McLaine methods fig' 5 and fig' 6 operate on an R /G-B anaglyph.

See column 7 lines 37-40. See column 7 lines 55-58.

Please note that McLaine does not adjust the color records of the stereo pair.

Please note that McLaine's method fig' 5 prevents pure colors in the R/G-B anaglyph image.

Please note that color fringes in anaglyphs require the purest colors and will be first to be altered by method fig' 5, resulting in double imaging.

Please note that any advantage over retinal rivalry from the method of fig'5 will correspond directly to increased ghosting.

Please note that McLaine's method fig' 6 results in an anglyph with unbalanced contrasts of (bright G/G-B)

The amendment of claim 57 was to overcome an illogical objection concerning the word 'compression'. The amendment included reference to the specification as filed (prior supplied) in order to avoid objection. The amendment should not result in a final action.

This is unfair especially in light of the current RCE resulting from the 31 July '07 action being made final because of an amendment that had prior been determined (to not be new matter) with another examiner.

Please accordingly amend the action to non final and respond as per 707.07(f) acknowledging my argument as persuasive.



M. Dawson